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EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,474

Applicant(s)

MUNIERE, VINCENT

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 16-32 and 34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9, 11, 16-32, 34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/01/08 have been fully considered but they are not persuasive.

In response to the Applicant's remarks on pages 2-6, the Examiner strongly disagreed, because the claimed limitation "of quality of service information received by the core network entity and the added second information known at the core network entity level as the same as Uusikartano clearly discloses based on the feature of the radio access bearer service to set up which it means the request message/response message and corresponding by GGSN where the message/signal connection from the mobile device and the GGSN, and UTRAN. There are a relation by network communication between mobile device, and UTRAN "Base station system", SGSN "core network entity. Of course, the quality of service information received by the core network entity and added, modified, or revised based on the request a radio access network entity system (Figs 2, 3 with description, pages 2-3, par [20-30]). Also, Uusikartano further discloses how the core network sets up RAB over UTRAN based on the service such as set up by the core network controls the set up, modification and assembly/disassembly of RAB over the UTRAN. The set up and modification of the RAB are function that the core

network initiates and the UTRAN implements. It is mean that the functionality how the core network set up RAB over URAN (paragraph [0020]). In modified and combined to support the limitations of “where this added information is used with the first information to perform a call admission control at the radio level”. Livet discloses the same feature that such as the information is used with the number of information to perform a call admission control at the radio level in setup, reconfiguration or addition request control by call admission control (CAC) to add the number of information with Quality of Service QoS at the radio level that supported the UMTS network architecture includes a Core Network interconnected with a UMTS terrestrial Radio Access Network (see paragraph [48-49] and specific in Table 2 of page 7).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-9, 11, 16-32, 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Uusikartano in view of **Livet (US Pub No: 2004/0132441)**.

As to claim 1, 9, 11, Uusikartano discloses a method for optimizing quality of service in the packet-switched domain of a mobile communication system (See Abstract), the method comprising: sending by a core network entity (Fig. 1, SGSN; GGSN) of said system sends to a radio access network entity (Fig. 1, UTRAN) of said system a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station “Fig. 1, MS” (page 2, par. [0020]), said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity (page 2, par. [0022] associated Fig. 2, 3 with description); and adding by said core network entity to said request second information that is known at a of said core network entity (Fig. 2, 3 with description, page 3, par [0024-0026], [0030], [0036]). However, Uusikartano does not disclose which is used together with said first information to perform a call admission control at the radio level.

In the same filed of invention, Livet discloses which is used together with said first information to perform a call admission control at the radio level (page 8, par [0048-0049] and Table 2 in page 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the first information to perform a call admission control at the radio level as taught by Livet to the system of Uusikartano in order to promote Quality of Service.

As to claim 2, 19, Uusikartano further discloses a method according to claim 1, wherein said second information comprises information representative of radio access capabilities of said mobile station (page 2, par. [0022]).

As to claim 7, 24, 30, Uusikartano further discloses a method according to claim 1, wherein said setting-up or reconfiguration of a radio bearer comprise the creation or modification of a Packet Flow Context (page 2, par [0020], [0023]).

As to claim 8, 25, 31, 35, Uusikartano further discloses a method according to claim 7, wherein said request for the setting-up or the reconfiguration of a corresponding radio bearer is sent in a CREATE BSS PFC message (page 2, par [0020], [0023]).

As to claim 18, Uusikartano further discloses wherein said second information comprises information representative of radio access capabilities of said mobile station (page 2, par [0020], [0023]).

As to claim 3, 20, 26, Livet further discloses wherein said radio access capabilities comprise capabilities to support higher data rates (page 8, par. [0049]).

As to claim 4, 21, 27, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a multislot capability (page 2, par [0017] “**a first time slot load, and a second time slot load**”).

As to claim 5, 22, 28, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a capability to support different data transfer modes (page 4, par. [0028-0029]).

As to claim 6, 23, 29, Livet further discloses a method according to claim 5, wherein said different data transfer modes comprise the GPRS (General Packet Radio Service) mode and the EGPRS (Enhanced General Packet Radio Service) mode (page 4, par. [0028-0029] “Livet disclose the using of the different data transfer modes can be used on the GPRS and EGPRS which inherently of network nodes”).

As to claim 16, 17, 32, Livet further discloses by performing a call admission control (CAC) (See TABLE 2 with description).

As to claim 34, Uusikartano discloses wherein the request is a request for setting-up the radio bearer for a new packet session for the mobile station (page 2, par. [0020]).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KINCAID LESTER can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617

/PHUOC DOAN/ 12/11/08